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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EARTHSTONE INTERNATIONAL, LLC,

v.
Plaintiff,

ALIBABA GROUP HOLDING LIMITED, d/b/a
AliExpress, and ALIBABA.COM,

Defendants

Case No. 3:11-cv-01990-SI

**STIPULATION AND [PROPOSED]
ORDER SETTING HEARING DATE
AND BRIEFING SCHEDULE FOR
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER**

WHEREAS, Plaintiff Earthstone International, LLC (“Earthstone”) filed its Amended Complaint for Temporary Restraining Order, Injunctive Relief and Damages on April 26, 2011 against Defendants Alibaba Group Holding Limited, dba AliExpress, and Alibaba.com (collectively Defendants);

WHEREAS, Earthstone filed its Amended Emergency Motion for Temporary Restraining Order and for Order to Show Cause Re Preliminary Injunction (the “Motion”) on April 26, 2011;

WHEREAS, the Motion was incorrectly noticed for hearing on April 4, 2011 (*see* Dkt. No. 10);

WHEREAS, Defendants' appearance in this action is limited to opposition of the Motion and Defendants wish to preserve their defense of insufficient service of process;

WHEREAS, subject to the Court's availability, Earthstone and Defendants have conferred and agreed that the hearing on the Motion should be rescheduled to May 6, 2011 at 9:00 a.m.;

WHEREAS, Defendants intend to file an opposition to the Motion no later than May 4, 2011;

NOW THEREFORE, the parties jointly stipulate that:

1. The Motion hearing is rescheduled for May 6, 2011 at 9:00 a.m.;
 2. Defendants' appearance in this action is limited to opposition of the Motion and Defendants' defense of insufficient service of process is preserved;
 3. Defendants will file their opposition to the Motion no later than May 4, 2011.

SO STIPULATED.

Dated: April 28, 2011

FENWICK & WEST LLP

By: /s/ Ryan J. Marton
Ryan J. Marton

Dated: April 28, 2011

BRANNON SOWERS HUGHEL P.C.

By: /s/ Patricia A. Hughel
Patricia A. Hughel

Attorney for Plaintiff
Earthstone International, LLC

1 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

2 I, Ryan J. Marton, attest that concurrence in the filing of this document has been obtained
3 from any signatories indicated by a “conformed” signature (/s) within this e-filed document.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed this 28th day of April 2011, at San Francisco, California.

6 FENWICK & WEST LLP

7 By: /s/ Ryan J. Marton

8 Ryan J. Marton

9 Attorneys for Defendants Alibaba Group
10 Holding Limited and Alibaba.com

11 **[PROPOSED] ORDER**

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13 5/2/11

14 Dated: April , 2011

15 By: Susan Illston

16 Honorable Susan Illston